

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Robert K. Evans

Serial No.

09/888.304

Filed:

June 22, 2001

For: POLYNUCLEOTIDE VACCINE ADJUVANTS AND

FORMULATIONS CONTAINING CATIONIC SURFACTANTS AND METHODS OF USE

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Art Unit: 1633 Wehbe, Anne Marie Examiner: Sabrina

INFORMATION DISCLOSURE STATEMENT **UNDER 37 CFR 1.97**

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- 3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By C. Rapucki Date 5-8-07

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

| | RELATED APPLICATION | | | |
|---|---------------------------------|---------------------------|--|--|
| U. S. SERIAL NUMBER | FILING DATE | MERCK CASE | | |
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| If this is inconvenient, additional copies will be submitted upon reques | l. | L | | |
| 6. In accordance with 37 C.F.R. 1.97, (check one) | | | | |
| the attached information is filed within three months of the filing da | te of the captioned case. | | | |
| the attached information is filed more than three months after the formation on the merits. | iling date but prior to the ma | ailing of a first | | |
| the attached information is filed before the mailing of a first Office examination under §1.114. | action after the filing of a re | quest for continued | | |
| the attached information is being filed more than three months after Office Action on the merits, but before the mailing date of a Final Action on the merits, but before the mailing date of a Final Action of the enclosed authorized and the Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p). | Action, Notice of Allowance, | or an action that | | |
| each item of information contained in this Information Disclosure S from a foreign patent office in a counterpart foreign application not Statement. | | | | |
| each item of information contained in the information disclosure st from a foreign patent office in a counterpart application and this condesignated in §1.56(c) more than thirty days prior to the filing of the | ommunication was not recei | ved by any individual | | |
| no item of information contained in this Information Disclosure State foreign patent office in a counterpart foreign application, and, to the after making reasonable inquiry, was known to any individual designments prior to the filing of this Statement. | e knowledge of the person : | signing the certification | | |
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| Respectfully submitted, | |
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| Mp.n_ | |
| By: Henry P. Wu | |
| Attorney For Applicant(s) | |
| Reg. No. <u>44,412</u> | |
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| (732)594- <u>5312</u> | |
| Date: May 8, 2007 | |

| | Sut | estitute for form 1449A/PTO | | | | COMPLETE IF KNOWN |
|-------------|-------|-----------------------------|------|-----------|------------------------|---------------------------|
| | | NFORMATION 1 | DIS | CLOSURE | Application Number | 09/888,304 |
| 1 | TPE | CATEMENT BY | A D | DIICANT | Filing Date | June 22, 2001 |
| | 1 | Z EWENT BY | AP | PLICANI | First Named Inventor | Robert K. Evans |
| MA 1 0.2007 | | | | , | Group Art Unit | 1633 |
| PARTIES. | | (trefe as many sheets | as n | ecessary) | Examiner Name | Wehbe, Anne Marie Sabrina |
| N. | Sheet | 1 | of | 2 | Attorney Docket Number | 20703Y |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|-----|-----------|----------------------------|---|--|--|
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| | FOREIGN PATENT DOCUMENTS | | | | | | | |
|-----------------------|--------------------------|--------|-------------------------|----------------------------|--|------------------------------|--|--|
| | | | Foreign Patent Document | | | Date of Publication of | | |
| Examiner Initials* | Cite No. | Office | Number | Kind Code (if known) | Name of Patentee or Applicant of Cited Document | Cited Document MM-DD-YYYY | | |
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Examiner Signature Date Considered

^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| Substitute for form 1449B/PTO | | COMPLETE IF KNOWN | | | | |
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| | NFORMATION] | DIS | CLOSURE | Application Number | 09/888,304 | |
| 6 | TATEMENT DV | A D | DIICANT | Filing Date | June 22, 2001 | |
| STATEMENT BY APPLICANT | | | PLICANI | First Named Inventor | Robert K. Evans | |
| | | | , | Group Art Unit | 1633 | |
| (use as many sheets as necessary) | | | ecessary) | Examiner Name | Wehbe, Anne Marie Sabrina | |
| Sheet | 2 | of | 2 | Attorney Docket Number | 20703 Y | |

| NON PATENT LITERATURE DOCUMENTS | | | | | | |
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^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.